

REMARKS/ARGUMENTS

The Examiner states that claims 1-13 stand rejected under 35 U.S.C. 102(b) as being anticipated by Cheng. Applicant assumes the Examiner intended to state that claims 9-13 were rejected as claims 1-8 were canceled by preliminary amendment. Claim 14 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Cheng as applied to claims 1-13 (sic) above, and further in view of Okada.

Claim 9 as amended comprises the limitations of forming a second dielectric layer over said first dielectric layer and said copper layer wherein said second dielectric layer contacts said copper layer, forming a first conductive layer over said first dielectric layer wherein said first conductive layer contacts said dielectric layer, and removing a region of said first conductive layer such that a portion of said second dielectric layer remains between said first conductive layer and said copper layer wherein said first conductive layer, said second dielectric layer, and said copper layer form a capacitor. In forming the rejection the claim 9 the examiner refers to the Cheng patent with particular reference to Figure 21A. Figure 21A in the Cheng patent shows a silicon substrate 201 with a first dielectric film 203 containing at least one copper layer 205. A second dielectric layer 250 is formed over the copper layer 205, and a second copper layer is formed over the second dielectric layer 250. As shown in Figure 21A, the first and second copper layers are connected by the metal structures 235 and therefore do not form a capacitor as required by claim 9. Claim 9 is therefore allowable over the Cheung patent. Claims 10-14 depend on claim 9 and contain all the limitations of claim 9. Claims 10-14 are therefore also allowable over the Cheung patent.

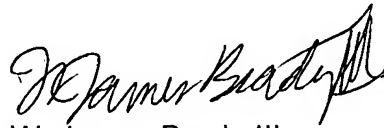
In light of the above, it is respectfully submitted that the present application is in condition for allowance, and notice to that effect is respectfully requested.

While it is believed that the instant response places the application in condition for allowance, should the Examiner have any further comments or suggestions, it is

respectfully requested that the Examiner contact the undersigned in order to expeditiously resolve any outstanding issues.

To the extent necessary, Applicant petitions for an Extension of Time under 37 CFR 1.136. Please charge any fees in connection with the filing of this paper, including extension of time fees, to the deposit account of Texas Instruments Incorporated, Account No. 20-0668.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "W. James Brady III", with a stylized flourish at the end.

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